

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OFFICE DEPOT, INC. and OCS  
ACQUISITION CORP.,

Plaintiffs,

vs.

ROGER POST,

Defendant.

Index No. 07 CV 2871 (DLC)

**MOTION TO ADMIT  
COUNSEL *PRO HAC*  
*VICE***

ROGER POST and W.B. MASON  
COMPANY, INC.,

Counterclaim Plaintiffs,

vs.

OFFICE DEPOT, INC. and OCS  
ACQUISITION CORP.,

Counterclaim Defendants.

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Matthew T. McLaughlin, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of

Applicant's Name: Deborah L. Thaxter  
Firm Name: Nixon Peabody LLP  
Address: 100 Summer Street  
City/State/Zip: Boston, MA 02110  
Phone Number: (617) 345-1000  
Fax Number: (617) 345-1300

Deborah L. Thaxter is a member in good standing of the Bar of the Commonwealth of Massachusetts. There are no pending disciplinary proceedings against Deborah L. Thaxter in any State or Federal Court.

Dated: June 13, 2007

Boston, Massachusetts

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew T. McLaughlin', with a stylized flourish at the end.

Matthew T. McLaughlin (MM-7462)  
Nixon Peabody LLP  
100 Summer Street  
Boston, MA 02110  
T: (617) 345-1000  
F: (617) 345-1300

TO: S. Robert Scrager, Esq.  
Hodgson Russ LLP  
60 East 42nd Street, 37th Floor  
New York, NY 10165

John E. Joiner, Esq.  
Luba Shur, Esq.  
Williams & Connolly LLP  
725 12th Street, NW  
Washington, DC 20005

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OFFICE DEPOT, INC. and OCS  
ACQUISITION CORP.,

Plaintiffs,

vs.

ROGER POST,

Defendant.

Index No. 07 CV 2871 (DLC)

**AFFIRMATION OF  
MATTHEW T.  
MCLAUGHLIN IN  
SUPPORT OF MOTION  
TO ADMIT COUNSEL  
*PRO HAC VICE***

ROGER POST and W.B. MASON  
COMPANY, INC.,

Counterclaim Plaintiffs,

vs.

OFFICE DEPOT, INC. and OCS  
ACQUISITION CORP.,

Counterclaim Defendants.

MATTHEW T. MCLAUGHLIN, an attorney at law, duly admitted to practice before this Court, affirms the following under penalty of perjury:

1. I am an attorney with the law firm Nixon Peabody LLP, counsel for Defendant and Counterclaim Plaintiffs in the above captioned case, and as such I am familiar with the facts and circumstances in this case.

2. I submit this affirmation in support of Defendant and Counterclaim Plaintiffs' motion to admit Deborah L. Thaxter as counsel *pro hac vice*.

3. Deborah L. Thaxter is a member of Nixon Peabody LLP in Boston, Massachusetts. Ms. Thaxter is a qualified attorney and a person of integrity. She is a member in good standing of the Bar of the Commonwealth of Massachusetts, as set forth in her certificate of good standing attached hereto as Exhibit A. Ms. Thaxter is also a member in good standing of the United States District Courts for the Districts of Massachusetts and Maryland, and the Courts of Appeal for the First and Fourth Circuits.

4. Ms. Thaxter is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, and the Federal Rules of Evidence.

5. Accordingly, I am pleased to move the admission of Deborah L. Thaxter, *pro hac vice*.

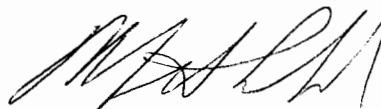
6. I respectfully submit a proposed order granting the admission of Deborah L. Thaxter, *pro hac vice*, which is attached hereto as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit Deborah L. Thaxter, *pro hac vice*, to represent Defendant and Counterclaim Plaintiffs in the above captioned matter, be granted.

Dated: June 13, 2007

Boston, Massachusetts

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. T. McLaughlin', written in a cursive style.

Matthew T. McLaughlin (MM-7462)

## COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on the **twenty-second** day of **December** A.D. **1978**, said Court being the highest Court of Record in said Commonwealth:

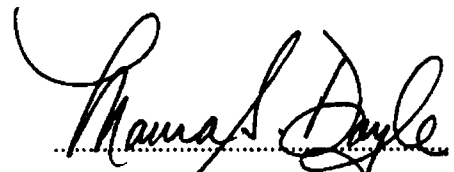
**Deborah L. Thaxter**

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court\*.

In testimony whereof, I have hereunto set my hand and affixed the



seal of said Court, this **seventh** day of **June**  
in the year of our Lord **two thousand and seven**.

  
MAURA S. DOYLE, Clerk

\* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OFFICE DEPOT, INC. and OCS  
ACQUISITION CORP.,

Plaintiffs,

vs.

ROGER POST,

Defendant.

Index No. 07 CV 2871 (DLC)

**ORDER FOR ADMISSION  
*PRO HAC VICE*  
ON WRITTEN MOTION**

ROGER POST and W.B. MASON  
COMPANY, INC.,

Counterclaim Plaintiffs,

vs.

OFFICE DEPOT, INC. and OCS  
ACQUISITION CORP.,

Counterclaim Defendants.

Upon the motion of Matthew T. McLaughlin, attorney for Defendant and Counterclaim Plaintiff Roger Post and Counterclaim Plaintiff W.B. Mason Company, Inc., and said sponsor attorney's affirmation in support:

**IT IS HEREBY ORDERED** that

Applicant's Name: Deborah L. Thaxter  
Firm Name: Nixon Peabody LLP  
Address: 100 Summer Street  
City/State/Zip: Boston, MA 02110  
Phone Number: (617) 345-1000  
Fax Number: (617) 345-1300  
Email Address: dthaxter@nixonpeabody.com

is admitted to practice pro hac vice as counsel for Defendant and Counterclaim Plaintiff Roger

Post and Counterclaim Plaintiff W.B. Mason Company, Inc. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice admission fee to the Clerk of Court.

Dated:  
New York, New York

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United States District/Magistrate Judge



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
OFFICE DEPOT, INC. and OCS  
ACQUISITION CORP.,

Plaintiffs,

vs.

ROGER POST,

Defendant.

Civil Action No.  
07 CV 2871 (DLC)

**AFFIDAVIT OF SERVICE**

-----X  
ROGER POST and W.B. MASON  
COMPANY, INC.,

Counterclaim-Plaintiffs,

vs.

OFFICE DEPOT, INC. and OCS  
ACQUISITION CORP.,

Counterclaim-Defendants.

-----X  
State of New York     )  
                              ) ss.:  
County of New York    )

JOHN PASTERICK, being duly sworn, deposes and says:

1. I am not a party to this action and I am over 21 years of age.
2. I am employed by the law firm of Nixon Peabody LLP, 437 Madison Avenue, New York, New York 10022, attorneys for the Defendant and Counterclaim-Plaintiffs in the above captioned proceeding.
3. On June 13, 2007 I served true copies of the annexed Motion To Admit Counsel (Deborah L. Thaxter) *Pro Hac Vice* by depositing said copies in a postage-paid, sealed envelope

in a depository under the exclusive care and custody of the United States Postal Service within the City and State of New York addressed to the following attorneys for Plaintiffs and Counter-Claim Defendants:

S. Robert Scrager, Esq.  
HODGSON RUSS LLP  
60 East 42<sup>nd</sup> Street  
37<sup>th</sup> Floor  
New York, New York 10022


John E. Joiner, Esq.  
Luba Shur, Esq.  
WILLIAMS & CONNOLLY LLP  
725 12<sup>th</sup> Street, NW  
Washington D.C. 20005



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JOHN PASTERICK

Sworn to before me this  
13<sup>th</sup> day of June, 2007



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Notary Public

KAREN J. MUZZILLO  
Notary Public, State of New York  
No. 03-4758972  
Qualified in Bronx County  
Certificate Filed in New York County  
Commission Expires August 31, 2010